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SEP 23 2004

OFFICE OF PETITIONS

In re Application of :
Galloway et al. :
Application No.09/747,521 : **DECISION ON PETITION**
Filed: December 21, 2000 :
Attorney Docket No. 22727/04079 :

This is a decision on the petition under 37 CFR §1.137(b), filed July 1, 2004 to revive the above-identified application.

This above-identified application became abandoned for failure to file a proper response to a final Office Action which was mailed on May 7, 2003. The final Office Action set a three (3) month shortened statutory period for reply. A one (1) month extension of time was obtained under the provisions of 37 CFR §1.136(a). The finality of the Final Office action was withdrawn November 21, 2003. However the maximum period for reply and withdrawal of the finality of the Office Action was November 7, 2003. Accordingly, this application became abandoned on September 8, 2003. This decision precedes the mailing of a Notice of Abandonment.

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The gap in prosecution is being closed by this decision.


Pursuant to petitioner's request deposit account 03-0172 is being charged the \$1330.00 petition to revive fee and the RCE fee in the amount of \$770.00. A review of the record shows the RCE fee was refunded.

There is no indication that the person signing the present petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the present petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent and change of correspondence address must be submitted. While a courtesy copy of this decision is being mailed to the person signing the present petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the

contrary.

This application is being forwarded to Technology Center 1600.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 306-0251.

A handwritten signature in black ink, appearing to read "Charlema R. Grant".

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: Joan N. Drew
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